

1-1-2009

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Recommended Citation

Michael L. Seigel & Kathi Miner-Rubino, *Measuring the Value of Collegiality Among Law Professors*, 1 *Faulkner L. Rev.* 257 (2009), available at <http://scholarship.law.ufl.edu/facultypub/76>

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MEASURING THE VALUE OF COLLEGIALLY AMONG LAW PROFESSORS

Michael L. Seigel and Kathi Miner-Rubino***

PROLOGUE

On Friday, February 12, 2010, Dr. Amy Bishop, an Assistant Professor of Biology at the University of Alabama Huntsville (“UAH”), opened fire during a faculty meeting, killing three of her colleagues and injuring three others. Authorities arrested Bishop on the scene and later charged her with capital murder. Circumstances indicated that Bishop’s mortal attack stemmed from the decision of the University in April 2009 to deny her tenure. Several of the individuals she targeted at the meeting had been involved in that decision.¹

A few months earlier, in November 2009, Bishop’s appeal of the tenure denial had failed.² As a result, she was finishing her last year at UAH and looking for other employment.³ Colleagues reported that she was fixated on the tenure decision, especially on the fact that one of the tenure committee members had called her “crazy” during the review process.⁴ The official reasons given for Bishop’s denial of tenure were her thin publication record, lack of

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¹ Challen Stephens, *New charges, allegations in connection with UAH shooting and suspect Amy Bishop*, Feb. 15, 2010, available at http://blog.al.com/breaking/2010/02/sunday_brings_prayer_vigil_new.html (last visited Mar. 2, 2010).

² Shaila Dewan, Stephanie Saul & Katie Zezima, *For Professor, Fury Just Beneath the Surface*, THE NEW YORK TIMES, February 20, 2010, available at <http://www.nytimes.com/2010/02/21/us/21bishop.html> (last visited Mar. 2, 2010).

³ Challen Stephens, *UAH shooting suspect Amy Bishop denied tenure in April, had already lost appeal*, Feb. 14, 2010, available at http://blog.al.com/breaking/2010/02/amy_bishop_had_been_denied_ten.html (last visited Mar. 2, 2010).

⁴ Lee Roop, *Colleague’s Claim that Dr. Amy Bishop was ‘crazy’ may have led to EEOC complaint*, Feb. 17, 2010, available at http://blog.al.com/breaking/2010/02/colleagues_claim_that_dr_amy_b.html (last visited Mar. 2, 2010).

grant support, and – critical to this article – concerns about her “personality.”⁵

In many schools, the tenure committee’s reference to Bishop’s personality would have been improper because the standard for evaluating promotion and tenure traditionally includes only excellence in teaching, research, and service. However, at UAH it was perfectly appropriate. The school’s promotion and tenure policy specifically states: “Faculty members are also judged as to whether or not their collegial relationships contributed to the advancement of the college and university.”⁶

So what went wrong in the Bishop case? Some have argued that the problem lies with the system of tenure itself, which creates a pressure-cooker environment in which peers evaluate peers with incredibly high stakes – a lifetime appointment – hanging in the balance.⁷ This may be the case. Another explanation, however, is that despite the reference to collegiality in the school’s official promotion and tenure standards, UAH’s faculty and administrators did not take Bishop’s deficiencies in this area seriously enough until the moment of truth arrived. Indeed, there were many early signs that Bishop was odd, antisocial, potentially violent, and unstable, but these were generally ignored – until it was too late.

I. INTRODUCTION

This article is the last in a trilogy addressing the issue of collegiality among law professors.⁸ In the first piece, titled *On Collegiality*,⁹ author Seigel defined “collegiality” and suggested

⁵ Paul Basken & David Glenn, *Accused Alabama Shooter Was a Bright Scientist With Career Ups and Downs*, THE CHRONICLE OF HIGHER EDUCATION, available at <http://chronicle.com/article/Accused-Alabama-Shooter-Was/64202/> (last visited Mar. 2, 2010).

⁶ The Huntsville Times Staff, Amy Bishop resource file: Her CV, police reports and other documents and links, Feb. 17, 2010, available at http://blog.al.com/breaking/2010/02/amy_bishop_resource_file_her_c.html (last visited Mar. 2, 2010).

⁷ See Katherine van Wormer, *Amy Bishop and the Trauma of Tenure Denial: The tenure process can be toxic: The Amy Bishop Shootings*, PSYCHOLOGY TODAY, February 16, 2010, available at <http://www.psychologytoday.com/blog/crimes-violence/201002/amy-bishop-and-the-trauma-tenure-denial> (last visited Mar. 2, 2010).

⁸ We have other related works in progress, but do not anticipate that they will be published in law review journals.

⁹ Michael L. Seigel, *On Collegiality*, 54 J. LEGAL EDUC. 406 (2004) (hereinafter “*On Collegiality*”).

that most law schools have at least one, if not two or three, “affirmatively uncollegial” members of their faculty.¹⁰ Seigel posited that these individuals tend to interfere with the ideal functioning of their institutions by negatively affecting the well-being of their peers. In the worst cases, a pervasively uncollegial faculty will drive its best teachers and scholars away, harming the reputation and quality of the institution.¹¹ Seigel weighed the costs and benefits of enforcing a norm of collegiality in an academic institution and came down, ultimately, on the side of enforcement.

Some readers of *On Collegiality* questioned the legitimacy of Seigel’s cost-benefit analysis. Specifically, they commented that some of the factors Seigel used in his analysis could be empirically measured. In response, the present authors teamed up to conduct an empirical study of collegiality. The goals of the study were to determine: (1) whether collegiality correlates with the occupational and psychological well-being of individual faculty members; (2) whether levels of collegiality in law schools differ for faculty sub-groups broken down by gender, race, sexual orientation, rank, and tenure status; and (3) the characteristics of law schools that create a collegial climate. The beliefs underpinning the study were (1) that enforcing collegiality is costly at least in terms of the potential lawsuits it will generate by those who are denied promotion, tenure, or other benefits as a result of being deemed uncollegial, and (2) that this effort is a net negative unless promoting collegiality brings measurable benefits to the institution more valuable than the costs.

The empirical study, carried out by means of an e-mail survey to 8,929 law school teachers, was completed in June 2005. The authors began their analysis of the data, and published the second article in this series, *Some Preliminary Statistical, Qualitative, and Anecdotal Findings of An Empirical Study of Collegiality Among Law Professors*, the following year.¹² That piece was limited to the reporting of descriptive statistics, such as the demographics of the respondents and their reported levels of job satisfaction, institutional collegiality, and administrative responses to

¹⁰ *Id.* at 407.

¹¹ *Id.* at 415, 420.

¹² Michael L. Seigel & Kathi Miner-Rubino, *Some Preliminary Statistical, Qualitative, and Anecdotal Findings of An Empirical Study of Collegiality Among Law Professors*, 13 WIDENER L. REV. 1 (2006) (hereinafter “*Preliminary Statistics*”).

collegiality matters.¹³ It also set out many of the 482 narrative responses to the survey, in full.¹⁴ The present article provides a more complete picture of collegiality in law schools by describing more complex findings obtained by conducting various statistical analyses of the data set. Some of the findings are quite stark and not all are as predicted.

II. BACKGROUND

Collegiality is a common subject of discussion among law faculty and administrators. Typically, the discussion centers on the small number of uncollegial colleagues that plague an institution. In some cases, the behavior of a faculty's worst actors creates general morale problems that hover below the radar screen. In other cases, an institution's collegiality problems erupt, causing the exodus of faculty members, negative publicity, and concern among students and alumni about the institution's future. Often, the very individuals harmed by uncollegial behavior defend the offending colleague's right to be underhanded and nasty based on their (mis)understanding of academic freedom.¹⁵ Administrators frequently take a hands-off approach for similar reasons, and because they fear being sued.¹⁶

In *On Collegiality*, author Seigel examined various existing definitions of collegiality put forward in the legal literature. Seigel found them to be lacking, and devised one of his own. His definition recognized the many facets of collegiality, as well as the distinction between the level of behavior necessary to meet fundamental or "baseline" collegiality and that required to attain "affirmative" or "aspirational" collegiality. The empirical study that forms the basis of this article was derived from Seigel's approach to collegiality.

Seigel defined baseline collegiality as "*conducting oneself in a manner that does not impinge upon the ability of one's col-*

¹³ *Id.*

¹⁴ *Id.* at 3.

¹⁵ See *On Collegiality*, *supra* note 9, at 407, 421-24.

¹⁶ See *id.* at 406 ("Would you fire Zeus? If you are a typical dean, the answer is almost certainly no. You would likely throw your hands up and urge Zeus's colleagues to grin and bear him.").

leagues to do their jobs or on the capacity of one's institution to fulfill its mission."¹⁷ As he elaborated in *On Collegiality*:

[t]his means, first and foremost, treating peers civilly, though not necessarily cordially, and refraining from ad hominem attacks in any setting and under any circumstances whatsoever. It implies doing one's job – teaching, research, and service – at a minimally acceptable level, because if one is not pulling one's institutional weight, somebody else has to make up the difference. Essential collegiality also entails always acting in good faith, that is, in concert with one's honest judgment as to the best interests of one's institution. A passively collegial faculty member does not gratuitously attack or impugn her home institution or its administration publicly or privately; likewise, she does not engage in disagreements with administrators or colleagues unless she honestly believes that disagreement is necessary to further her own legitimate interests or the interests of her school.

For a passively collegial faculty member, means are just as important as ends. Baseline collegiality requires that one conduct all disagreements with civility and through means solely designed, as the AALS admonishes, to persuade on the merits. Deceit, intimidation, corruption, and personal attacks are not acceptable forms of behavior, regardless of the stakes. Finally, baseline collegiality requires accepting the collective judgment of one's colleagues after an open and honest debate. There is nothing wrong with fighting a good, clean, principled – even passionate – fight, but when the battle is clearly lost, it is time to move on in good (or at least not bad) humor. Prolonging doomed battles, or exhibiting only grudging and grousing acceptance of a new policy enthusiastically embraced by

¹⁷ *Id.* at 411 (emphasis in original).

the majority, is selfish and harmful to the institution.¹⁸

“Affirmative uncollegiality” is the mirror opposite of baseline collegiality. It is defined as “*conduct that interferes with the ability of one’s colleagues to do their jobs or with the capacity of one’s institution to fulfill its mission.*”¹⁹ More specifically,

[u]ncollegial conduct can take many forms. It might be a persistent lack of civility that creates a negative atmosphere and harms faculty morale. Or it might be the habit of sending flaming e-mails, full of nastiness and venom, to colleagues with whom the sender disagrees on issues of law school governance. Uncollegiality also includes such activities as gratuitously denigrating colleagues behind their backs; shouting down opposition at faculty meetings; making false accusations and complaints about colleagues to administrators, or about either or both to external authorities; criticizing colleagues and the institution to outsiders, such as employment candidates or the press; refusing to cooperate or collaborate when these are requirements of one’s job; using deceit and other illicit means to achieve institutional goals; and acting in bad faith by advocating and pursuing institutional goals and policies because of self-interest or other illegitimate motive, rather than from a sincere evaluation of the best interests of the institution.²⁰

Finally, there is affirmative collegiality. Faculty members ought to aspire to this level of collegiality, but if they fail to meet it, they should not be disciplined. Once again, *On Collegiality* explains:

Affirmatively collegial faculty typically go beyond the call of duty in some aspect(s) of their job, de-

¹⁸ *Id.*

¹⁹ *Id.* at 415 (emphasis in original).

²⁰ *Id.*

pending upon their interests and talents. They might take on additional teaching assignments, perhaps to relieve an overburdened peer, or to ensure that their colleagues can take sabbaticals when eligible, or simply out of dedication to students. Others publish substantial quantities of exceptional scholarship, bringing recognition not only to themselves but to their academic institution as well. Some routinely accept extraordinary administrative assignments, such as chairing a difficult committee or directing an institute or center. In addition to doing their own job exceptionally well, affirmatively collegial colleagues give of themselves to others. They guide and nurture junior faculty; they attend and present papers at faculty workshops and luncheons; they read and comment on colleagues' drafts; they help plan and attend social events. The best colleagues participate in all aspects of law school life, such as the appointments and promotion and tenure processes; they cooperate with and support administrative units of the law school; they volunteer for any worthwhile institutional cause. In short, affirmatively collegial faculty display enthusiasm, dedication, and a constructive attitude, and they work hard to foster harmony among their peers and to further the mission of their institution.²¹

Though issues of collegiality are pervasive in academic life, until recently the subject has attracted relatively little attention in legal literature.²² Most of the early writing was critical of courts' general deference to universities' asserted interest in maintaining a collegial atmosphere against an individual faculty member's claim of academic freedom.²³ In 2004, however, three separate law journal articles were published advocating the enforce-

²¹ *On Collegiality*, *supra* note 9, at 414 (footnote omitted).

²² See Sumi Cho, "Unwise," "Untimely," and "Extreme": *Redefining Collegial Culture in the Workplace and Revaluing the Role of Social Change*, 39 U.C. DAVIS L. REV. 805, 826 (2006) ("Despite the social and legal significance of collegiality . . . as a performance-based consideration for employment, there has been relatively little written on this topic.") (hereinafter "Cho").

²³ See *id.* at 827-30 (discussing the work of Professors Zirkel and Dyer).

ment of an explicit norm of collegiality in the academic setting. In *On Collegiality*, Seigel acknowledged the potential for abuse of a collegiality criterion in promotion and tenure decisions.²⁴ However, he concluded that, on balance, the benefits of collegiality – identified as providing positive role models for students, retaining and attracting quality faculty, and developing and maintaining a positive workplace – outweigh its costs.²⁵ The second article, by the sociologist Gregory Heiser, conceptualized collegiality as “a defining element of self-governing professional organizations.”²⁶ He argued that, although professionals in an organization (such as a university) are highly autonomous, they are not self-contained; therefore, collegiality is critical to the maximization of the organization’s overall goals.²⁷ Law professor Leonard Pertnoy authored the third article.²⁸ In it, he contended that collegiality is already used *sub rosa* as a factor in promotion and tenure decisions and that making it an explicit and objective part of the process would benefit all involved.²⁹

Sumi Cho is the latest law professor to write on this topic. For Cho, using collegiality as a factor in employment decisions is simply a way of reinforcing the existing power structure in an organization. She claims that required collegiality is hegemonic; it forces individuals who are members of groups with lesser power, such as women, gays, people of color, and the disabled, to abandon their identities at the workplace door and conform to the dominant culture, or else risk being penalized as uncollegial. As a result, Cho is very suspect of the use of collegiality in employment decisions.³⁰

Although Cho may be more radical than most, many academics wonder whether the costs of enforcing a norm of baseline collegiality in academic institutions is worth the candle. They view tolerance of uncollegiality by peers as the necessary cost of

²⁴ *On Collegiality*, *supra* note 9, at 424-26.

²⁵ *Id.* at 420-27; *see also* Cho, *supra* note 22, at 832-33 (describing Seigel’s conclusions).

²⁶ Gregory M. Heiser, “*Because the Stakes Are So Small*”: *Collegiality, Polemic, and Professionalism in Academic Employment Decisions*, 52 U. KAN. L. REV. 385, 387 (2004).

²⁷ *See id.* at 408-12; *see also* Cho, *supra* note 22, at 834-35 (describing Heiser).

²⁸ Leonard Pertnoy, *The “C” Word: Collegiality Real or Imaginary, and Should It Matter in a Tenure Process*, 17 ST. THOMAS L. REV. 201 (2004).

²⁹ *See id.* at 222-23; *see also* Cho, *supra* note 22, at 836-37 (describing Pertnoy).

³⁰ *See* Cho, *supra* note 22, at 837.

their own protection against institutional interference with their intellectual autonomy. In other words, they believe that lack of collegiality is a reasonable price to pay for academic freedom.

Academic freedom is actually a much weaker concept than most academics realize.³¹ As an initial matter, the First Amendment provides protection only against state action; thus it constrains administrative conduct or decision making only in the context of faculty who are employees of public colleges and universities.³² Moreover, a number of courts have interpreted the free speech protection afforded academics as being no greater than that afforded to all other state employees, and others have noted the tension between the First Amendment freedom of the university or faculty as a whole and the freedom of its individual members.³³ One court has even held that academic freedom is a right exclusively retained by the university vis-à-vis the state, as opposed to a right held by faculty members vis-à-vis their university.³⁴ On the specific question of whether the First Amendment provides protection for uncollegial activity, courts have uniformly answered in the negative.³⁵

In the context of private colleges and universities, academic freedom protects faculty from administrative action only to the extent it is embodied – explicitly or implicitly – in a faculty member's employment contract.³⁶ A review of the cases makes clear that courts are very wary of treating a faculty member differently from any other contractual employee.³⁷ Indeed, often special deference is given to university administrators (sometimes in the name of academic freedom) to operate their institutions as they see fit.

³¹ The discussion that follows is taken, in large part, from *On Collegiality*, *supra* note 9, at 422-27.

³² See STEVEN G. POSKANZER, HIGHER EDUCATION LAW: THE FACULTY 5, 11-16 (2002) (hereinafter "POSKANZER").

³³ Richard H. Hiers, *Institutional Academic Freedom v. Faculty Academic Freedom in Public Colleges and Universities: A Dubious Dichotomy*, 29 J.C. & U.L. 35, 64-103 (2002).

³⁴ *Urofsky v. Gilmore*, 216 F.3d 401 (4th Cir. 2000) (en banc).

³⁵ See *Mayberry v. Dees*, 663 F.2d 502 (4th Cir. 1981) (upholding the ability of a university to enforce a collegiality requirement), *cert. denied*, 459 U.S. 830 (1982).

³⁶ See POSKANZER, *supra* note 32, at 19-22.

³⁷ A 1983 study concluded that defendant institutions prevailed in about 80 percent of faculty employment cases, including First Amendment cases. The percentage for non-First Amendment cases alone was even higher. See Perry A. Zirkel, *Personality as a Criterion for Faculty Tenure: The Enemy It Is Us*, 33 CLEV. ST. L. REV. 223, 226 (1984-85).

The bottom line is that academic freedom as a contractual right of individual academics is quite narrow. It manifestly does not protect those whose behavior has been legitimately deemed uncollegial by their colleagues or institution.³⁸

Nevertheless, tension between enforcement of collegiality and academic freedom does exist. The real problem is not an actual conflict between the two values, but the risk that enforcement of collegiality will be abused – that the autonomy of individual faculty members will be unduly circumscribed under the guise of achieving collegiality. Without doubt, this is a serious and substantial concern. Abuse of a collegiality requirement can easily result in someone being punished for expressing unpopular views. Collegiality concerns can also be a subterfuge for illegal discrimination.³⁹

Although such discrimination might be overt, a greater cause for concern is the risk of unconscious discrimination – the vague feeling among a faculty dominated by white males, for example, that a female, African-American, or Latino scholar does not seem to be a good “fit” within the department or college. This vague feeling might translate into skepticism about the outsider's scholarship, particularly if the scholarship is unconventional. In the case of potential gender discrimination, there are some reports that males in a department may view a woman with a strong academic personality as “pushy,” “aggressive,” or “uppity”⁴⁰ – and therefore uncollegial. Clearly, unless enforcing collegiality brings substantial benefits to an academic institution, it may do more harm than good.

Realizing substantial benefits from a norm of collegiality, however, is not beyond the pale. One facet of collegiality – civility

³⁸ See *Stastny v. Bd. of Tr. of Cent. Wash. Univ.*, 647 P.2d 496, 504 (Wash. Ct. App. 1982), *cert. denied*, 460 U.S. 1071 (1983) (“Academic freedom is not a license for activity at [a] variance with job related procedures and requirements, nor does it encompass activities which are internally destructive to the proper functioning of the university or disruptive of the education process.”).

³⁹ See, e.g., Mary Ann Connell & Frederick G. Savage, *Does Collegiality Count?*, 87 *Academe* 37, 37-40 (2001) available at <http://www.aaup.org/AAUP/pubsres/academe/2001/ND/Feat/Conn.htm> (last visited Mar. 2, 2010).

⁴⁰ Tamar Lewin, *'Collegiality' as a Tenure Battleground*, N.Y. TIMES, July 12, 2002, at 1, available at <http://www.physics.utoronto.ca/~peet/ofinterest/CollegialityasTenureBattleground.htm> (last visited Mar. 2, 2010).

– has been the subject of sustained empirical study by management and psychology academicians.⁴¹ Research in this area shows that workplace incivility is linked to declines in well-being for those who experience it. For instance, Christine Pearson and Christine Porath surveyed a national sample of over 700 employees in different occupational settings and found that as employees' experiences of incivility increased, their level of job satisfaction decreased.⁴² Lilia Cortina and her colleagues found an identical relationship between incivility and job satisfaction in a sample of nearly 1,200 employees; they further found that experiencing incivility related to increased psychological distress.⁴³

Cortina recently theorized that uncivil, uncollegial behavior is often "selective," i.e., that certain individuals are more likely to be its target.⁴⁴ For example, she argued that women and racial/ethnic minority group members are especially likely to experience uncollegiality because of their subordinated social status.⁴⁵ Cortina proposed that incivility allows for manifestations of bias and prejudice toward devalued group members in organizational settings that would not permit overtly discriminatory behaviors.⁴⁶ She further posited that the perpetrators of selective incivility may not be aware of their own biases because they are able to attribute their rude actions to factors other than the characteristics of the target (for instance, their own mood or situational constraints). Thus, uncollegiality may often reflect subtle or covert types of discrimination or harassment toward those with little organizational or social status.⁴⁷ Punishing uncollegial conduct may thus protect otherwise targeted groups.

⁴¹ See, e.g., Sandy Lim & Lilia M. Cortina, *Interpersonal Mistreatment in the Workplace: The Interface and Impact of General Incivility and Sexual Harassment*, 90 J. APPLIED PSYCHOL. 483 (2005); Christine M. Pearson & Christine L. Porath, *On the Nature, Consequences and Remedies of Workplace Incivility: No Time for "Nice"?, Think Again*, 19 ACAD. MGMT. EXEC. 7 (2005) (hereinafter "Pearson & Porath"); L. M. Cortina et al., *Incivility in the Workplace: Incidence and Impact*, 6 J. OCCUPATIONAL HEALTH PSYCHOL. 64 (2001) (hereinafter "Cortina et al.").

⁴² See Pearson & Porath, *supra* note 41, at 13.

⁴³ See Cortina et al., *supra* note 41, at 67.

⁴⁴ *Id.* at 75.

⁴⁵ See Lilia M. Cortina, *Unseen injustice: Incivility As Modern Discrimination In Organizations*, 38 ACAD. MGMT. REV. 55, 64 (2008).

⁴⁶ See *id.* at 55.

⁴⁷ See *id.* at 56.

In *On Collegiality*, author Seigel claimed that the nature of academia in general, and legal academia in particular, makes it more susceptible to uncollegial conduct than other business environments. He focused on the historical fact that academic departments and colleges tend to be more focused on democracy and debate than, say, a typical prosecutor's office. He also claimed that the training to be a lawyer, with its emphases on argumentation, outspokenness, and winning were also contributors to uncollegial climates.⁴⁸

III. THE STUDY

The purpose of the present study was to address some of the untested propositions made by those collegiality scholars who favor enforcement of it as a norm and use of it in promotion, tenure, and other personnel decisions. First, we empirically tested whether uncollegiality relates to negative outcomes for faculty. Second, we examined whether experiences of collegiality and uncollegiality differ as a function of gender, race, sexual orientation, rank, and tenure status. Third, we investigated certain organization-level variables to identify the extent to which they relate to a climate of collegiality.

A. Hypotheses

The literature proposes that an atmosphere of positive collegiality in a university setting has a beneficial impact on individual faculty members. Our first set of hypotheses dealt with this issue:

Hypothesis 1a. There will be a positive correlation between working in a climate of affirmative collegiality and professors' psychological well-being.

Hypothesis 1b. There will be a negative correlation between affirmative uncollegiality (at the climate, personal, and observed levels) and professors' psychological well-being.

⁴⁸ See *On Collegiality*, *supra* note 9, at 416-20.

Hypothesis 1c. There will be a positive correlation between working in a climate of affirmative collegiality and professors' occupational well-being.

Hypothesis 1d. There will be a negative correlation between affirmative uncollegiality (at the climate, personal, and observed levels) and professors' occupational well-being.

Cortina theorized that members of subordinated groups will be more likely to experience uncollegiality and less likely to experience collegiality compared to dominant group members because negative collegiality behaviors can be used as a form of subtle discrimination.⁴⁹ Thus, we made the following predictions:

Hypothesis 2a. Women will report lower levels of affirmative collegiality and higher levels of affirmative uncollegiality than men.

Hypothesis 2b. People of color will report lower levels of affirmative collegiality and higher levels of affirmative uncollegiality than whites.

Hypothesis 2c. Sexual minorities (i.e., lesbians, gay men, bisexuals) will report lower levels of affirmative collegiality and higher levels of affirmative uncollegiality than heterosexuals.

Hypothesis 2d. Teachers with lower rank will report lower levels of affirmative collegiality and higher levels of affirmative uncollegiality than teachers with higher rank.

Hypothesis 2e. Teachers without tenure will report lower levels of affirmative collegiality and higher levels of affirmative uncollegiality than teachers with tenure.

⁴⁹ Cortina et al., *supra* note 41, at 66-67.

In *On Collegiality*, author Seigel posited that certain features of academia help explain its susceptibility to collegiality problems. He further contended that law schools possess additional characteristics that make matters even worse.⁵⁰ Thus, another facet of the present study was to test whether these factors indeed had explanatory value. In particular:

Hypothesis 3a. The greater its emphasis on self-governance, the less affirmatively collegial a faculty will be.

Hypothesis 3b. The greater its emphasis on open debate about governance and policy matters, the less affirmatively collegial a faculty will be.

Hypothesis 3c. The greater its emphasis on outspoken and uncompromising interpersonal styles, the less affirmatively collegial a faculty will be.

Hypothesis 3d. The greater its emphasis on the ability to debate and argue, the less affirmatively collegial a faculty will be.

Hypothesis 3e. The greater its emphasis on avoiding defeat, the less affirmatively collegial a faculty will be.

Hypothesis 3f. The greater its emphasis on teamwork, the more affirmatively collegial a faculty will be.

B. Study Design and Methodology

Most of the details regarding the methodology of our survey were set out in *Some Preliminary Statistical, Qualitative, And Anecdotal Findings Of An Empirical Study Of Collegiality Among Law Professors*, as follows:

[T]he survey instrument . . . was designed to capture information about respondents' (1) demographics,

⁵⁰ See *On Collegiality*, *supra* note 9, at 419.

including age, gender, ethnic heritage, religion, marital status, sexual orientation, number of years teaching, and law school rank and tenure status; (2) health and psychological well-being; (3) occupational and workplace well-being; (4) sentiments about their institution's atmosphere and environment on a variety of fronts; (5) perceived personal victimization of uncollegial conduct by other faculty members; (6) perceptions of others' victimization of uncollegial conduct; and (7) perceptions about institutional reactions to uncollegiality. We also included questions designed to measure whether the magnitude of uncollegiality at an institution is connected to certain other of its characteristics, such as an emphasis on open debate, outspoken uncompromising interpersonal styles, and the ability to debate, argue, and persuade. . . .

Following much e-mail discussion, we settled on the goal of attempting to distribute the survey to the teaching faculty of all 166 law schools that are members of the Association of American Law Schools (AALS), if this could be done at a reasonable cost. We estimated that there were about 8,000 individuals nationwide who met this description. Our goal of reaching this group turned out to be much more difficult than we had originally thought. The only organization that maintains an address list of all law faculty in the United States is AALS. However, it sells its list at a cost that, when combined with the costs of printing, mailing, and tabulating the results of the survey, was prohibitive to us. This led us to explore the possibility of conducting the survey through the worldwide web.

A web-based survey provided a new set of challenges. First, we would need to upload the survey onto the web through a program that would collect the data in a usable way. Second, we would need to e-mail a link to the survey webpage to all law professors around the country. Third, we would have

to overcome recipients' negative reaction to being solicited over the Internet, given the ever-increasing problems e-mail users face with junk and spam electronic mail. The first challenge was met by employing a professional web-based survey company, KeySurvey. Through the tools and technical support available at KeySurvey, our Word-based survey instrument was converted into a web-based instrument with relative ease. The second challenge was a bit more difficult to overcome. AALS does not maintain a database of law professors' e-mail addresses in electronic form. It does, however, provide the e-mail address for each law professor listed in its annually published Directory of Law Teachers. Ultimately, by employing a bevy of computer-sophisticated law students, we generated our own database of law professors' e-mail addresses. After testing the survey on approximately twenty volunteers and ironing out some kinks, we were ready to launch. As to the third problem, we'd just have to wait and see the reaction of recipients and hope for a sufficiently high response rate to make the effort worthwhile.

...

Our first launch of the e-mail containing the survey link took place on March 17, 2005, to about 800 individuals at approximately 13 random law schools. The last launch took place on April 7, 2005. Overall, we sent e-mails to 8,929 individuals at all 166 AALS member schools. Two "reminder e-mails" were sent out to non-respondents: the first on May 4th and the second on June 15th. . . . [T]he survey was at least partially completed and submitted by 1,256 faculty members out of the 8,029 solicited (8,929 surveys launched, less 900 that "bounced back"), for a participation rate of about fifteen percent. The demographics of the respondent group

(discussed below) indicate that it was a solid, representative sample of the whole.⁵¹

We measured psychological well-being using the Brief Symptom Inventory, which measures depression, anxiety, and hostility and has been used extensively in both psychiatric and non-psychiatric populations.⁵² This measure asked respondents to indicate the extent that each of a list of twelve symptoms (e.g., “feeling blue” or “feeling fearful”) had distressed or bothered them during the previous seven days, using a response scale from 1 (*not at all*) to 5 (*extremely*).

We measured occupational well-being with scales assessing job satisfaction, job burnout, and job stress. Job satisfaction was measured with three items taken from the Michigan Organizational Assessment Questionnaire.⁵³ In this instrument, participants are asked to indicate on a scale from 1 (*strongly disagree*) to 7 (*strongly agree*) the extent to which three statements characterized their work. An example item from this scale includes, “In general, I like working here.”

We measured job burnout using the Oldenburg Burnout Inventory, which accounts for two aspects of job burnout: exhaustion (physical, cognitive, and affective) and disengagement from work.⁵⁴ Participants were asked to indicate the extent to which they agreed or disagreed with twelve statements such as, “During my work, I often feel emotionally drained” and “I get more and more engaged in my work” (reverse-coded), using a scale from 1 (*strongly disagree*) to 7 (*strongly agree*).

Job stress was assessed with an abbreviated ten-item version of Stanton, Balzer, Smith, Parra, and Ironson's Stress in General Scale (SIG), a global measure of job stress.⁵⁵ Items ask whether an adjective (e.g., “hectic,” “tense,” “pressured”) is de-

⁵¹ *Preliminary Statistics, supra* note 12, at 3-7.

⁵² LEONARD R. DEROGATIS & P.M. SPENCER, *THE BRIEF SYMPTOM INVENTORY: ADMINISTRATION, SCORING, AND PROCEDURE MANUAL I* (1983).

⁵³ See STANLEY E. SEASHORE ET AL., *OBSERVING AND MEASURING ORGANIZATIONAL CHANGE: A GUIDE TO FIELD PRACTICE* (1982) (describing CORTLANDT CAMMANN ET AL., *THE MICHIGAN ORGANIZATIONAL ASSESSMENT QUESTIONNAIRE* (1979)).

⁵⁴ See Evangelia Demerouti et al., *The Job Demands-Resources Model of Burnout*, 86 J. APPLIED PSYCHOL. 499 (2001).

⁵⁵ Jeffrey M. Staton et al., *A General Measure of Work Stress: The Stress General Scale*, 61 EDUC. & PSYCHOL. MEASUREMENT 866 (2001).

scriptive of the respondent's job, using a "yes," "don't know," "no" response format.

We employed multiple lines of questioning to ferret out subjects' experiences concerning both affirmative collegiality and affirmative uncollegiality. We had to create most of these items on our own because no pertinent measures then existed from standardized psychological tests; these items were based on author Seigel's theoretical piece on collegiality.⁵⁶ First, we employed a set of general questions about the general workplace environment:

AFFIRMATIVE COLLEGIALITY: CLIMATE

- My colleagues are willing to help each other.
- My colleagues comment on each other's work.
- My colleagues are encouraging and empowering.
- My colleagues create a cooperative and supportive environment.
- My colleagues initiate and participate in informal conversations about scholarship and teaching.
- My colleagues share products of their own effort (e.g., syllabi) with each other.
- My colleagues work to foster harmony.
- My colleagues take on special assignments given to them by the dean.
- My colleagues 'pull their own weight.'

AFFIRMATIVE UNCOLLEGIALITY: CLIMATE

- There is a group of my colleagues who always get things their way because no one wants to challenge them.

⁵⁶ The complete survey instrument is on file with the authors.

- My colleagues attempt to build themselves up by tearing others down.
- My colleagues send “flaming” (rude or hostile) e-mails to one another.
- I have seen changes made in policies here that only serve the purposes of a few of my colleagues, not the law school.
- During the past year, has another law school faculty member:
 - Unduly criticized your law school in public or to the media?
 - Shirked teaching responsibilities?
 - Shirked committee or other governance responsibilities?
 - Lobbied for an institutional resource (e.g., chair, money, faculty appointment) in bad faith (e.g., for selfish motives as opposed to an honest belief in the best interests of the institution)?
 - Questioned your integrity or good faith?
 - Failed to accept a majority vote on an issue of law school governance or policy?
 - Attempted to influence faculty governance or policy in an underhanded or dishonest way?⁵⁷

Next, we explored more precisely whether respondents were personal targets of identifiable uncollegial acts. Specifically,

⁵⁷ In fact, the results of our study have allowed us to construct a “Collegiality Climate Scale.” See Kathi Miner-Rubino et al., *The Collegiality Climate Scale (CCS): A Psychometric Investigation* (work-in-progress on file with the authors).

we asked respondents whether, during the past year, a colleague had:

AFFIRMATIVE UNCOLLEGIALLY–PERSONAL
EXPERIENCE

- Sent you a rude or hostile e-mail?
- Misrepresented your position on an issue of law school governance?
- Made false accusations about you or your work?
- Made false complaints about you to the dean or other administrator?
- Made derogatory statements about you to other colleagues?
- Made derogatory statements about you to students?
- Questioned your integrity or good faith?

In assessing personal experiences of uncollegiality, we also included items from Cortina and colleagues' *Workplace Incivility Scale*.⁵⁸ Respondents were asked, for example, whether in the previous year a colleague had:

- Put you down or been condescending to you?
- Made insulting or disrespectful remarks to you?
- Made jokes at your expense?
- Accused you of stupidity or incompetence?
- Interrupted or spoke over you?

⁵⁸ See Cortina et al., *supra* note 41, at 485.

Additionally, we posed two more sets of questions concerning the same specific acts of uncollegial behavior, this time asking whether the respondent had witnessed such behavior directed toward other colleagues (Observed Uncollegiality). One set of questions concerned male victims, and the other female victims, so we combined these items to represent observations of uncollegiality toward faculty in general (non-gender specific).

IV. RESULTS

A. Demographics

We reported the demographics of our survey respondents in *Some Preliminary Statistical, Qualitative, And Anecdotal Findings Of An Empirical Study Of Collegiality Among Law Professors*:

1. Age, Gender, and Ethnic Make-up

Respondents ranged from twenty-seven to eighty years old. More specifically, 8.2% were 27-35 years old; 23.8% were 36-45 years old; 34.1% were 46-55 years old; 27.6% were 56-65 years old; and 6.6% were 66 years old or older. Results also showed that 52.1% of respondents were male and 47.9% female, splitting gender nearly down the middle. The vast majority of respondents – 85.7% – identified themselves as White, European, or European American; 5.4% as Black, African, or African American; 2.2% as Hispanic or Hispanic American; 2.2% as Asian, Asian American, or Pacific Islander; 1% as Native American or Alaskan Native; 0.7% as Middle Eastern, Arab, or Arab American; and 2.9% as Other.

Overall, these numbers are quite comparable to those contained in a report produced by the AALS. According to that report, for example, which includes data for “All Faculty in the 2002-03 [AALS] Directory of Law Teachers” (unlike our survey, this definition takes into account non-teaching deans, other administrators, and emeriti faculty), women made up 34.2% of all law faculty. This included

50.1% of all assistant professors, 46.9% of all associate professors, and 25.2% of all full professors. AALS also reported that 85.2% of all faculty were "White," 7.4% were "Black," 3.3% "Hispanic," and 0.7% "American Indian." Given the remarkable similarity between the demographics of our survey's respondent group and law professors in general, it is fair to say, at least as a preliminary matter, that the survey appeared to capture a reasonably representative sample of law teachers at AALS member schools.

2. Rank

Unlike in many other academic departments, legal academics tend to progress rather quickly up the ladder in rank and, in many institutions, obtain tenure and full professorship at the same time. These facts were borne out by the statistics culled from our survey. Of the respondents, 63.4% reported that they had been tenured by their institution, while 57.1% reported their rank to be that of full professor. Presumably, only a small percentage of the 17% of the respondents who called themselves Associate Professor remained at this rank after obtaining tenure. Assistant professors made up 7.6% of the total respondent pool. These individuals, plus the Associate Professors still in the tenure queue, presumably made up the 14.1% of respondents who reported that they were on the tenure track, but had not yet received tenure.

Many law schools also employ faculty who teach "non-substantive courses" – traditionally legal research and writing, skills, and/or clinical offerings. These specific faculty members are not eligible for traditional tenure. Such "non-tenure track faculty" made up 19.2% of the respondents to our survey. The vast majority of these individuals reported holding the rank of either a "Clinical or Skills Pro-

fessor" (10.3%), or something else, such as a "Lecturer in Law" (8%).⁵⁹

B. Hypothesis Testing

Table One
The Relationship Between Affirmative Collegiality
and Well-Being

Affirmative Collegiality (climate) and	Correlation (r)(p < .001)
Job Satisfaction	.55
Job Burnout	-.39
Job Stress	-.27
BSI (Brief Symptom Inventory)	-.18
Depression	-.18
Anxiety	-.18
Hostility	-.18

In Hypothesis 1, we predicted that affirmative collegiality would be positively correlated, and affirmative uncollegiality negatively correlated, with psychological and occupational well-being. As shown in Table One, Hypotheses 1a and 1c were supported by the study results. Specifically, there was a moderate positive correlation between reported affirmative collegiality and job satisfaction ($r = .55, p < .001$), as well as moderate negative correlations between affirmative collegiality and job burnout ($r = -.39, p < .001$), and affirmative collegiality and job stress ($r = -.27, p < .001$). In addition, there was a small negative correlation between affirmative collegiality and psychological well-being (BSI and its components, $r = -.18, p < .001$). Thus, law professors who re-

⁵⁹ *Preliminary Statistics, supra* note 12, at 7-9.

ported working in affirmatively collegial environments reported being more satisfied with their job and less exhausted, disengaged, and stressed at work; they also reported lower levels of psychological distress.

Hypotheses 1b and 1d were also supported: professors who reported working in an affirmatively uncollegial climate, being the target of uncollegial behavior, or observing uncollegial conduct toward others also reported lower levels of occupational and psychological well-being. The correlations are shown in Table Two, and all were statistically significant. These findings suggest that uncollegial behavior can be harmful to the well-being of individual faculty members whether it pervades the institution, is directed toward a particular individual, or is simply witnessed by others.

Table Two
Correlations (r)($p < .001$) with type of Uncollegiality

	Climate	Personal	Observed
Job Satisfaction	-.43	-.49	-.37
Job Burnout	.32	.34	.30
Job Stress	.29	.39	.27
BSI	.24	.38	.30
Depression	.24	.38	.30
Anxiety	.24	.37	.30
Hostility	.24	.37	.30

In Hypothesis 2 we predicted that experiences of affirmative collegiality and uncollegiality would differ for different subgroups. Supporting Hypothesis 2a, men (Mean = 3.51, Standard Deviation = .73) reported significantly higher levels of affirmative collegiality in their law school compared to women (Mean = 3.38, Standard Deviation = .76; $t(1264) = -2.96$, $p < .01$). Men (Mean = 1.39, Standard Deviation = .49) also reported significantly lower

levels of personal uncollegiality compared to women (Mean 1.49, Standard Deviation .54), and this too was significant ($t(1264) = 3.05, p < .001$). Gender, therefore, appears to be a factor in professors' experiences of both collegiality and uncollegiality.

The same cannot be said, however, for race or sexual orientation, at least according to our results. We found no statistically significant differences among members of different races, or between heterosexuals and sexual minorities, on either of the collegiality constructs. Perhaps even more surprising is that neither tenure status nor rank appeared to play a role in experiences of uncollegiality. In short, Hypotheses 2b-2e were not confirmed.

Specific Faculty Characteristics and Affirmative Collegiality

Table Three

Relationship between Academic Variables and Affirmative Collegiality

Characteristic	Correlation (r) with Affirmative Collegiality, $p < .001$
Faculty Self Governance	.31
Emphasis on Open Debate	.43
Emphasis on Outspoken and Uncompromising Interpersonal Styles	-.13
Emphasis on Ability to Debate and Argue	.41
Emphasis on Avoiding Defeat	-.11
Emphasis on Teamwork	.66

In Hypothesis 3 we predicted that certain features of law academia can cause declines in collegiality. The study results set out in Table Three - only partially support this proposition. First, we found *positive* (not negative as predicted) correlations between

faculty self-governance ($r = .33$, $p < .001$), emphasis on open debate ($r = .46$, $p < .001$), and emphasis on the ability to debate and argue ($r = .41$, $p < .001$) and affirmative collegiality. Two variables did correlate in the predicted direction: emphasis on outspoken and uncompromising interpersonal styles ($r = -.20$, $p < .001$) and emphasis on avoiding defeat ($r = -.17$, $p < .001$), but these correlations were quite weak. Finally, we found the strongest correlation between emphasis on teamwork and a collegial climate ($r = .66$, $p < .001$). In sum, Hypotheses 3a, 3b, and 3d were not supported by the data. Hypotheses 3c and 3e received weak support, while Hypothesis 3f received strong support.

C. Additional Analyses

To test the relative importance of various factors to faculty members' overall well-being, we performed a series of stepwise regression analyses with occupational well-being (job satisfaction, job burnout, or job stress) or psychological well-being (BSI) as criterion variables (dependent variables).⁶⁰ Affirmative collegiality, affirmative uncollegiality, trust in the administration, and several demographic variables (sex, race, sexual orientation, tenure status, and length of time in law teaching) and other climate factors (sexism of faculty and racism of faculty) were predictors (independent variables) in the analyses. In a stepwise regression, all of the predictor variables are entered into the analysis at the same time. The statistical program (SPSS) then singles out each predictor, one by one, based on the amount of variance it accounts for in changes in the criterion variable (which is the best, then next best, then next best, and so on).

The best predictor of job satisfaction was trust in the administration ($\beta = .62$, $r\text{-square} = .39$, $p < .001$), followed by affirmative collegiality ($\beta = .30$, $r\text{-square change} = .06$, $p < .001$), sexual orientation ($\beta = .08$, $r\text{-square change} = .01$, $p < .001$; heterosexuals reported higher job satisfaction than sexual minorities), uncollegiality ($\beta = -.11$, $r\text{-square change} = .01$, $p < .001$), sex ($\beta = .06$, $r\text{-square change} = .004$, $p < .01$; men reported higher job satisfaction than women), and length of teaching at present law school

⁶⁰ We thought this analysis would be of interest to many readers even though we make no formal hypotheses related to them. Any reader interested in how we measured the variables used in the regression analyses is welcome to contact the authors for more information.

($\beta = .05$, r -square change = $.002$, $p < .05$). The remaining predictors we tested (race, length of time in law teaching, tenure status, sexism of faculty, and racism of faculty) were not significantly related to job satisfaction after accounting for these variables.⁶¹

The best predictor of job burnout was affirmative collegiality ($\beta = -.40$, r -square = $.16$, $p < .001$), followed by trust in administration ($\beta = -.22$, r -square change = $.03$, $p < .001$), length of time in law teaching ($\beta = -.08$, r -square change = $.01$, $p < .01$), uncollegiality ($\beta = .09$, r -square change = $.004$, $p < .05$), length of teaching at present law school ($\beta = .12$, r -square change = $.003$, $p < .05$) and sex ($\beta = -.06$, r -square change = $.003$, $p < .05$; women reported more burnout than men). The remaining predictors (race, sexual orientation, tenure status, sexism of faculty, and racism of faculty) were not significantly related to job burnout after accounting for these variables.

The best predictor of job stress was trust in the administration ($\beta = -.29$, r -square = $.08$, $p < .001$), followed by sex ($\beta = -.22$, r -square change = $.06$, $p < .001$; women reported more stress than men), uncollegiality ($\beta = .16$, r -square change = $.02$, $p < .001$), length of teaching at present law school ($\beta = -.12$, r -square change = $.013$, $p < .05$) and affirmative collegiality ($\beta = -.09$, r -square change = $.004$, $p < .05$). The remaining predictors (race, sexual orientation, length of time in law teaching, tenure status, sexism of faculty, and racism of faculty) were not significantly related to job stress after accounting for these variables.

The best predictor of psychological well-being (BSI scale) was uncollegiality ($\beta = -.25$, r -square = $.06$, $p < .001$), followed by sexual orientation ($\beta = .14$, r -square change = $.02$, $p < .001$; heterosexuals reported higher psychological well-being than sexual minorities), length of teaching at present law school ($\beta = .12$, r -square change = $.02$, $p < .001$) and trust in the administration ($\beta = .13$, r -square change = $.012$, $p < .001$). The remaining predictors (race, length of time in law teaching, tenure status, sexism of faculty,

⁶¹ For our non-statistically inclined readers, here is what this result tells us. For each 1 unit change in level of confidence in the administration (say from a 4 to a 5 on the response scale), job satisfaction increases by $.62$ unit. In addition, confidence level accounts for 39% of the variance in job satisfaction; that is, for this sample, 39% of the fluctuation in job satisfaction is accounted for by confidence level. After accounting for confidence level, affirmative collegiality accounts for an additional (hence the *r*-square change) 6% in job satisfaction, and for 1 unit change in affirmative collegiality job satisfaction increases $.30$ unit – and so on.

racism of faculty, sex, and affirmative collegiality) were not significantly related to sense psychological well-being after accounting for these variables.

V. DISCUSSION

Law professors Seigel, Heiser, and Pertnoy have each argued that maintaining a collegial environment is important for an academic institution, including a law school. The present study provides empirical support for this assertion. To begin with, it demonstrated a consistent relationship between working in a collegial law faculty environment and occupational and psychological well-being. This is not a trivial matter. Presumably, professors who are satisfied, engaged, balanced, and in good mental health will be better teachers and scholars than those plagued by stress, exhaustion, anxiety, or depression.⁶² But the significance of our findings may go even further. If an institution wants to attract and retain the best in the field, it needs to provide employees with an environment that is interpersonally pleasing and rewarding. Our study suggests that a collegial environment is more likely to feature these characteristics than an uncollegial one.

Our findings are somewhat consistent with Cortina's theorizing that some groups may be more likely to experience uncollegiality than others. We found that women, in particular, are especially likely to bear the brunt of the uncollegial conduct exhibited by their fellow faculty members. As a result, women may be the most likely to benefit from the enforcement of baseline collegiality, at least if it is carried out with sensitivity to the possibility for abuse. Deviating from Cortina's and our predictions, we did not find a link between uncollegiality and race, sexual orientation, rank, or tenure status. This lack of findings suggest that these factors play little role in targets' experiences of uncollegiality. However, it might be the case that characteristics of our sample led to these null relationships, at least for race and sexual orientation. For example, the number of people of color and sexual minorities in our sample was quite small, leading us to wonder whether the sample size was large enough to detect group differences. We also

⁶² This statement is supported by the psychology literature. See Timothy A. Judge et al., *The Job Satisfaction-Job Performance Relationship: A Qualitative and Quantitative Review*, 127 PSYCHOL. BULL. 376 (2001).

anticipated that those striving for tenure or with low rank would find their workplace less friendly than their counterparts, which the data did not support. In retrospect, we speculate that perhaps faculties “court” their untenured colleagues, showing them their best face, which might cancel out any negativity created by the uncertainty of untenured status. On a different front, it is possible that faculty with permanent “low rank” (e.g., skills and writing faculty) are so isolated from their higher-ranking colleagues as to be insulated from the latter’s uncollegial behavior.

We also examined possible causes of uncollegiality in the law school setting. Two of the variables we thought would be explanatory – faculty democracy and an emphasis on debate and argument – actually turned out to be predictors of *collegial* institutions. While we hypothesized that these factors would promote combativeness, it may just be that they are indicators of a healthy atmosphere of give and take. The other variables we tested were of minimal significance. Indeed, our understanding in this area is in its infancy and future research should examine other possible organization-level factors that may lead uncollegiality to flourish.

Additional analyses provided some interesting supplementary findings. For example, trust in the administration was the strongest predictor of job satisfaction; the primary predictor of (lack of) stress; the second strongest predictor of (lack of) job burnout; and a statistically significant predictor of overall psychological well-being (BSI). Without doubt, this data indicates that law school deans should not be shy in intervening when a faculty member steps out of line; the morale of the rest of the faculty may be lifted as a result.

VI. STUDY LIMITATIONS, FUTURE RESEARCH, AND CONCLUSION

As noted in our discussion of the study design above, we have a high degree of confidence in the non-biased nature of our sample. Our $N = 1,256$ – was large, and our participation rate of 15% was respectable for a web-based survey. Moreover, when we compared the demographics of our respondents to the general population of law teachers, it appeared that we captured a random sample. One concern we had prior to the study was that our sample would be skewed toward unhappy and disgruntled faculty members who would, in turn, report unduly high rates of uncollegiality at their schools. Although we cannot know for certain, it

appears that this was not the case, as a full 87.3% of the respondents agreed with the proposition that, "All in all, I am satisfied with my job."⁶³

There were several flaws in our sampling, however. First, because of privacy concerns, we made no attempt to track the schools at which respondents taught. This means that, although we solicited faculty from every accredited law school in the country, we have no way of knowing whether our results are truly representative of this population, or whether faculty members from certain schools participated at much higher rates than others. Second, we did not attempt to weed out respondents who might be the cause of uncollegiality at their school as opposed to the victim of it. It would be interesting to know (1) whether (as Seigel has suggested) collegiality problems are mostly the result of the behavior of a few individuals at each particular school and (2) whether these individuals would consider the treatment they receive from the majority of their colleagues (who are reacting to their uncollegial behavior) to be uncollegial as well. Future research in this area would be fruitful, as would a philosophical discussion of whether such "reflective" uncollegiality ought to "count."

We have also concluded that our survey instrument was too long. Although we gathered a wealth of information from those willing to answer it, judging from the comments we received from many of those who declined to participate,⁶⁴ we would have had a much higher level of participation had the survey been considerably shorter. A larger *N* would have given us more confidence in our data, especially with respect to conclusions about small demographic subgroups. In the future, we will consider conducting briefer surveys, even if it becomes necessary to gather information in stages.

Finally, our study was limited to law faculties, but collegiality problems pervade all areas of academia. We hope that future researchers will attempt to replicate our findings in other academic disciplines. We also believe that the underlying causes of

⁶³ *Preliminary Statistics*, *supra* note 12, at 9.

⁶⁴ *See id.* at 6. In addition, 20 individuals who answered the survey also complained about its length. *See id.* at 13.

uncollegiality deserve considerably more study, so that faculties and administrators can develop strategies to minimize this scourge of the teaching profession.

